

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JANE DOE on behalf of herself and her minor child;  
JANE BOE, Sr. on behalf of herself and her minor  
child; JOHN COE, Sr. and JANE COE, SR. on  
behalf of themselves and their minor children; JOHN  
FROE, Sr. on behalf of himself and his minor child;  
JANE GOE, Sr. on behalf of herself and her minor  
child; JANE LOE on behalf of herself and her  
medically fragile child; JANE JOE on behalf of  
herself and her medically fragile child;  
CHILDRENS HEALTH DEFENSE, and all others  
similarly situated,

Plaintiffs,

-against-

Case No.

1:20-cv-00840-BKS-CFH

HOWARD ZUCKER, in his official capacity  
As Commissioner of Health for the State of New  
York; ELIZABETH RAUSCH-PHUNG, M.D., in  
her official capacity as Director of the Bureau of  
Immunizations at the New York State Department of  
Health; the NEW YORK STATE DEPARTMENT  
OF HEALTH; THREE VILLAGE CENTRAL  
SCHOOL DISTRICT; CHERYL PEDISCH, acting  
in Official capacity as Superintendent, Three Village  
Central School District; CORINNE KEANE, acting  
in her official capacity as Principal, Paul J. Gelinas  
Jr. High School, Three Village Central School  
District; LANSING CENTRAL SCHOOL  
DISTRICT; CHRIS PETTOGRASSO, acting in her  
capacity as Superintendent, Lansing Central School  
District; CHRISTINE REBERA, acting in her  
official capacity as Principal, Lansing Middle  
School, Lansing Central School District; LORRI  
WHITEMAN, acting in her official capacity as  
Principal, Lansing Elementary School, Lansing  
Central School District; PENFIELD CENTRAL  
SCHOOL DISTRICT; DR. THOMAS PUTNAM,  
acting in his official capacity as Superintendent,  
Penfield Central School District; SOUTH  
HUNTINGTON SCHOOL DISTRICT; DR. DAVID  
P. BENNARDO, acting in his official Capacity as  
Superintendent, South Huntington School District;

BR. DAVID MIGLIORINO, acting in his official capacity as Principal, St. Anthony's High School, South Huntington School District; ITHACA CITY SCHOOL DISTRICT; DR. LUVELLE BROWN, acting in his official capacity as Superintendent, Ithaca City School District; SUSAN ESCHBACH, acting in her official capacity as Principal, Beverly J. Martin Elementary School, Ithaca City School District; SHENENDEHOWA CENTRAL SCHOOL DISTRICT; DR. L. OLIVER ROBINSON, acting in his official capacity as Superintendent, Shenendehowa Central School District; SEAN GNAT, acting in his official capacity as Principal, Koda Middle School, Shenendehowa Central School District; ANDREW HILLS, acting in his official capacity as Principal, Arongen Elementary School, Shenendehowa Central School District; COXSACKIE-ATHENS SCHOOL DISTRICT; RANDALL SQUIER, Superintendent, acting in his official capacity as Superintendent, Coxsackie-Athens School District, Coxsackie-Athens School District; FREYA MERCER, acting in her official capacity as Principal, Coxsackie-Athens High School, Coxsackie-Athens School District; ALBANY CITY SCHOOL DISTRICT; KAWEEEDA G. ADAMS, acting in her official capacity as Superintendent, Albany City School District; MICHAEL PAOLINO, acting in his official capacity as Principal, William S Hackett Middle School, Albany City School District; and all others similarly situated

Defendants.

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**AFFIDAVIT OF DEFENDANT RANDALL SQUIER  
IN OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION  
ON BEHALF OF DEFENDANTS  
COXSACKIE-ATHENS SCHOOL DISTRICT, RANDALL SQUIER  
AND FREYA MERCER**

STATE OF NEW YORK     )  
                                      )  
COUNTY OF Greene     )     ss.:

Randall Squier, being duly sworn, deposes and says:

1. I am currently employed by defendant COXSACKIE-ATHENS SCHOOL DISTRICT ("District") as the Superintendent. I submit this affidavit in opposition to plaintiff JANE DOE's motion for a preliminary injunction on behalf of the District, FREYA MERCER, and myself.

2. I have been employed by the District for 9 years.

3. I make this affidavit based upon my review of the student records maintained by the District and my personal knowledge.

4. Plaintiff JANE DOE submitted a request for medical exemption dated August 16, 2019 to the District on behalf of her minor child ("John Doe"). Attached hereto as Exhibit "A" is a copy of the medical exemption form submitted on behalf of John Doe.

5. After review of the subject medical exemption request and consultation with a physician, the District denied the request for medical exemption for John Doe. On September 16, 2019, counsel for the District advised counsel for JANE DOE of the District's decision. A copy of counsel's letter dated September 16, 2019 is attached hereto as Exhibit "B".

6. Thereafter, JANE DOE appealed the District's decision to the Commissioner of Education and sought an order for interim relief pending resolution of the matter on the merits, which was denied. A copy of the letter denying JANE DOE's application for a stay dated September 27, 2019 is attached hereto as Exhibit "C".

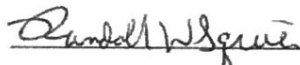
7. A second application for medical exemption on behalf of John Doe dated October 4, 2019 was submitted to the District. A copy of the medical exemption application dated October 4, 2019 is attached hereto as Exhibit "D".

8. Upon review and consultation with a physician, the District denied the second medical exemption request on behalf of John Doe. A copy of the District's letter dated October 8, 2019 is attached hereto as Exhibit "E".

9. On July 30, 2020, the Commissioner of Education denied the pending appeal. A copy of the decision dated July 30, 2020 is attached hereto as Exhibit "F".

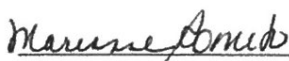
10. John Doe has been excluded from the District since October 8, 2019 for failure to comply with New York Public Health Law and New York Education Law.

Dated: September 4, 2020

  
RANDALL SQUIER

Sworn to before me this

4 day of September, 2020



Notary Public

MARIANNE ROMITO  
Notary Public in the State of New York  
Qualified in Greene County  
Commission Expires: 11/2/2021